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EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,645

Applicant(s)

TEWARI, JAYANTA

Examiner

KAMAL B. DIVECHA

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Claims 1-21 are pending in this application of which claim 21 is newly added by the applicant in response filed on August 08, 2005.

Claims 1, 2, 5, 10, 11, 13 and 18 has been amended to over come the 35 USC 112, second paragraph rejections, however applicant failed to address some of the 35 USC 112, second paragraph rejection presented in the non-final office action mailed on 04/07/2005 (see below).

New Drawings submitted in response filed August 08, 2005 has been accepted, however they do not overcome the objection made with respect to drawings filed on 10/31/2001. As per applicant, figure 3 and figure 4 shows every element of claim 5 and 7, wherein figure 3-4 are just boxes with modules that fails to show the claimed limitation such as receiving inter-device transmission data and inter-device negotiation data from at least one network device and compare the received data with the policy database and directing the at least one network device according to he policy database. Therefore the objection made to drawings in the previous office action is maintained.

First, In response to applicant's argument on page 14-15 that the assertion of inherency is insufficient to show that Sato inherently teaches the claimed "network communication port" because the rejection fails to show "that the alleged inherent characteristics necessarily flows from the teachings of the applied prior art" and that the Office action provides insufficient rationale for this finding of inherency. As per applicant citation, "to establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference" and as such Examiner would like to point to the applicants

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own admitted prior art to find this feature of “network communication port” as the extrinsic evidence (see drawings, fig. 1). Further, Figure 1 of Sato shows various network elements connected to system 100, therefore there must be some kind of network communication port in those systems which made communications between those system possible, and without the network communication port, the invention would not work.

According to the applicant, all the references presented in the non-final office action fails to describe or suggest the claimed “advanced manager operable to classify a functionality of the at least one network device via the one network communication port based upon the network transmission characteristics of the at least one network device” (see applicants remarks, page 13-16).

According to the applicant specification, “classification may include determining that a network device primarily transmits particular types of transmissions such as audio stream, video stream or simple data stream, advanced manager may then manage these different types of devices according to their transmission characteristics” (see specification, page 11).

Secondly, applicant respectfully traverses those grounds for rejections relying of Official Notice. Further applicants do not consider the features for which Official Notice were taken to be “of such notorious character that Official notice can be taken”. Official Notice was considered by the examiner because examiner believed the features claimed were of such notorious character and obvious in the art because of the applicant’s admitted prior art. Applicant first admits that “some network management applications operate under Simple Network Management Protocol (SNMP). SNMP often runs as an isolated application in network environments. One function of SNMP is to determine device characteristics and to obtain device specific information provided

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by the device manufacturer via port 161” (see applicant’s Background, page 2 L12-16 and fig. 1: applicant admitted prior art). Secondly, applicant discloses the Multipoint Control Unit, End unit device and Gatekeeper device in figure 1, a prior art. Therefore combining the two prior art teachings, one of ordinary skilled in the art would have been able to configure a manager or an advanced manager operable to determine a network device to be a Gatekeeper device, Multipoint control Unit device or an End point device by simply using SNMP, a simple network management protocol application. Further Examiner would provide the evidence that would show the obviousness of the claimed features of claims 8-10.

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show “every feature” of the invention specified in the claims. Therefore, the limitations disclosed in claim 5 and 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

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be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1, 5, 7, 13, 15, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "determined functionality" in the claim. The claim is indefinite because no limitation prior to "manage the at least one network device based upon a determined functionality", describes or mentions or suggest " the step of determining functionality". So if there is no prior suggestion of step of determining functionality, how can one of ordinary skilled in the art would be able to manage the network device based upon a determined functionality.

Claim 13 is rejected for the same reasons as set forth in claim 1.

Claim 18 recites the limitation "the network communication port" in the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 21 recites the limitation “the one network communication port” and “the determined functionality” in the claim. There is insufficient antecedent basis for this limitation in the claim. Claim 21 is further rejected for the same reasons as set forth in claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 8-10, 12-14, 18 and 20-21 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter Sato, U. S. Patent No. 6,400,689 B1) in view of Mauger et al. (hereinafter Mauger, U. S. Patent No. 6,937,612 B1).

As per claim 1, Sato explicitly discloses a system for communicating information (fig. 3) comprising: a plurality of network devices, each including at least one network communication port, each network device connected with at least one other network device through the at least one network communication port (fig. 1, fig. 3 and fig. 14, col. 8 L61 to col. 9 L18); an advanced manager operably coupled to the communication port of at least one network device (fig. 3 item #302 and fig. 14 item #1207), the advanced manager operable to: determine the functionality of the at least one network device via the communication port (col. 2 L6-17; col. 2L43-55; col. 5L53-55; col. 1 L58-61; fig. 10 item #808a associated with EAM module); and manage the at least one network device based upon the determined functionality (col. 2L20-31; col. 2L53-63; col. 5 L49-56; fig. 1 item #100 and col. 6 L27-47), however Sato does not explicitly disclose the

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process of classify a functionality of at least one network device via the one network communication port based upon network transmission characteristics of the at least one network device.

Mauger, from the same field of endeavor discloses an advanced manager having a plurality of ports for coupling to a plurality of devices of the same or different types (see fig. 16) and being able to determine the type of the first device and the type of traffic to be communicated to the second device by inspecting signals received from the first device via the server (i.e. classifying which may include determining type of traffic transmitted by the network element based upon the transmission characteristics of the network element, as defined by applicant's specification page 11, and as taught by Mauger, col. 31 L11-24). Mauger's communication apparatus is further able to identify traffic from each device type and manage the network device based upon the determined functionality (col. 31 L11-57). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Sato in view of Mauger, in order to classify a functionality of one network device via the communication port based upon the network transmission characteristics of the one network device and manage the one network device based upon the determined functionality.

One of ordinary skilled in the art would have been motivated because it would have increased the efficiency of communications between the first and second devices (see Mauger, col. 31 L45-57).

As per claim 4, Sato discloses the system as in claim 1 further comprising the plurality of devices interconnected within a network operable to facilitate video conferencing (fig. 13 item #104a associated with item #1105 and item #1101).

As per claim 8, Sato does not disclose the process wherein the advanced manager is operable to determine a network device to be a Multipoint Control Unit device. Mauger discloses the process of determining the type of device and also discloses a multi-point control unit (namely a conference bridge, col. 18 L4-35, col. 31 L11-24 i.e. Mauger's system teaches both the process of determining the type of device and discloses a multi-point control unit device i.e if the device is a multi-point control unit device then obviously advanced manager would determine a network device to be a multi-point control unit device and therefore Mauger's advanced manager is operable to determine a network device to be a Multi-point Control Unit device). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Sato in view of Mauger in order to configure advanced manager which would be operable to determine a network device to be a Multipoint Control Unit Device. One of ordinary skilled in the art would have been motivated because Multipoint Control Unit Device is a well known device that functions to provide access to different networks having different signaling protocols via channels that support audio, video and/or data (Mauger, col. 18 L22-32).

As per claim 9, Sato does not disclose the process wherein the advanced manager is operable to determine a network device to be a Gatekeeper device. Mauger discloses the process of determining the type of device and also discloses a gatekeeper device (col. 31 L11-24, fig. 4 item #36, fig. 16 and col. 17 L36 to col. 18 L32: same reasoning applies here as set forth above in claim 8). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Sato in view Mauger in order to provide an advanced manager operable to determine a network device to be a gatekeeper device, since Mauger teaches

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both the process of determining the type of device and discloses Gatekeeper devices in his system. One of ordinary skilled in the art would have been motivated because Gatekeeper device functions to translate LAN addresses into appropriate network addresses, and to negotiate and control bandwidth requirements for a proposed H.323 communication (Mauger, col. 18 L4-8, col. 10 L22-26).

As per claim 10, Sato does not disclose the process wherein the advanced manager is operable to determine a network device to be an End Point device. Mauger discloses the process of determining the type of device and also discloses an End point device (col. 31 L11-24 and fig. 16 item #110). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Sato in view of Mauger in order to provide an advanced manager operable to determine a network device to be an End point device, since Mauger teaches the process of determining the type of network and discloses an End point device. One of ordinary skilled in the art would have been motivated so that the multimedia services such as audio, video and data streams would have been provided to the end point devices.

As per claim 12, Sato discloses the system as in claim 1 further comprising the advanced manager operable to receive selected inter-device communications (col. 7 L23-32 and fig. 7).

As per claim 14, Sato discloses the advanced manager further comprising: a device identification module operable to determine the functionality of a connected network device (col. 5L47-55; col. 8 L17-29); a management engine operable to receive device identification and network management information (col. 5 L56-67 to col. 6 L1-3; col. 8 L30-34); a policy database containing a plurality of management policies decisions (fig. 1 ref. Character DB and col. 6 L27-

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46); and management engine operable to submit network management instructions to an associated network device (col. 7 L42-45; col. 2 L39-43).

As per claims 2, 13, 18 and 21, they do not teach or further define over the limitations in claim 1, 4, 8-10, 12 and 14. Therefore, claims 2, 13, 18 and 21 are rejected for the same reasons as set forth in claims 1, 4, 8-10, 12 and 14.

As per claim 20, Sato discloses the process of receiving network management data (col. 7 L23-37); consulting an associated policy database (col. 7 L38-42); and submitting management instructions based on the associated policy database (col. 7 L42-45).

3. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter Sato, U. S. Patent No. 6,400,689 B1) in view of Mauger et al. (hereinafter Mauger, U. S. Patent No. 6,937,612 B1), and further in view of Koo (U. S. Pub. No. 2001/0032270 A1).

As per claim 3, Sato in view of Mauger does not explicitly disclose the network communication port being of type 1718 type port. Koo explicitly teaches using the network communication port of type 1718 (pg. 1 table 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Koo as stated above with the system of Sato in view of Mauger in order to use the UDP discovery port of type 1718. One of ordinary skill in the art would have been motivated because it would have enabled the registration, authentication and RAS (registration admission status) management by transmitting request/response messages through the network communication port of type 1718 associated with the network device (Koo, pg. 1 para. 0006, 0011).

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As per claim 16, it does not teach or further define over the limitations in claims 3 and 13. Therefore, claim 16 is rejected for the same reasons as set forth in claim 3 and 13.

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter, Sato, U. S. Patent No. 6,400,689 B1) in view of Mauger et al. (hereinafter Mauger, U. S. Patent No. 6,937,612 B1), and further in view of Riggan et al. (hereinafter, Riggan, U. S. Patent No. 6,490,252 B1).

As per claim 5, Sato discloses the advanced manager having a management engine and a policy database (fig. 1), however, Sato does not explicitly disclose the process of receiving inter-device transmission data and inter-device negotiation data from at least one network device and compare the received data with the policy database; and direct the at least one network device according to the policy database. Riggan, from the same field of endeavor, discloses a control CPU (read as a management engine) receiving usage information data (read as inter-device data and negotiation data) from the network management system (read as network device) and compare the received data with the policy database (col. 8 L39-46 and col. 9 L44-52); and directing the at least one network device (read as traffic associated with network device) according to the policy database (col. 9 L50-65). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Riggan as stated above with the system of Sato in order to receive data, compare the received data with policy database and direct the network device or traffic according to the policy database. One of ordinary skilled in the art would have been motivated because it would have provided a reliable data transmissions as well as an acceptable level of delay for voice and video traffic.

As per claim 6, Sato discloses the database operable to be selectively updated (col. 7 L380-54).

5. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter, Sato, U. S. Patent No. 6,400,689 B1) in view of Mauger et al. (hereinafter Mauger, U. S. Patent No. 6,937,612 B1), in view of Riggan et al. (hereinafter, Riggan, U. S. Patent No. 6,490,252 B1), and further in view of Buhrke et al. (U. S. Patent No. 5,231,631).

As per claim 7, Sato, Mauger and Riggan does not disclose the process of receiving bandwidth negotiation data and a bandwidth negotiation recommendation (read as receiving bandwidth request with requested bandwidth) from at least one network device; comparing the bandwidth negotiation data and bandwidth negotiation recommendation with the policy database; and submit a revised bandwidth recommendation based on the policy database.

Buhrke discloses the process of receiving a bandwidth request from a network device (fig. 8 item #802); comparing the bandwidth requested and available bandwidth (col. 4 L32-42 and col. 6 L47-53); and submit a revised bandwidth recommendation based on the policy database (fig. 8 step #808, 810, 816). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Buhrke as stated above with Sato in view of Mauger and further in view of Riggan in order to negotiate and allocate the available bandwidth.

One of ordinary skilled in the art would have been motivated because it would have avoided network congestion and would have further provided a reliable data transfer from one point to another on a network.

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As per claim 15, it does not teach or further define over the limitations in claim 7.

Therefore, claim 15 is rejected for the same reasons as set forth in claim 7.

6. Claims 11, 17 and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter Sato, U. S. Patent No. 6,400,689 B1) in view of Mauger et al. (hereinafter Mauger, U. S. Patent No. 6,937,612 B1), and further in view of Grandcolas et al. (U. S. Patent No. 5,867,153).

As per claim 11, Sato in view of Mauger discloses the process of determining the type of traffic transmitted from each device (i.e. classifying device's function based on traffic transmitted, Mauger col. 31 L11-52), however Sato in view of Mauger does not explicitly disclose the process of determining the software applications running on each plurality of network devices; and classify device function based upon the determined software applications. Grandcolas discloses the process of identifying software and/or applications running on the associated network device (col. 11 L57-58) and further teaches the process of identifying the type of device further including the process of identifying the type of software being used by the device (col. 11 L51 to col. 12 L20). Therefore it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Sato in view of Mauger and further in view of Grandcolas, in order to determine the software applications running on each plurality of network devices and classify device function based upon the determined software applications, since Grandcolas teaches the process of identifying the type of device including identifying the type of software being used by the device. One of ordinary skilled in

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the art would have been motivated because it would have enabled the reliable data transfer by choosing an appropriate network and path to route the specific type of traffic.

As per claim 19, Sato in view of Mauger does not disclose the process of identifying software running on the associated network device and identifying the associated network device based upon the identified software. Grandcolas discloses the process including the step of identifying software running on the associated network device (col. 11 L57-58) and identifying the associated network device (col. 12 L15-20). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Grandcolas to identify the associated network device based upon the identified software. One of ordinary skilled in the art would have been motivated because it would have enabled the presentation of data in a format compatible with the device (Grandcolas, col. 2 L35-49).

As per claim 17, it does not teach or further define over the limitations in claims 11 and 19. Therefore claim 17 is rejected for the same reasons as set forth in claims 11 and 19.

Additional References

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Kosbab, U. S. Patent No. 5,917,808.
- b. Barillaud, U. S. Patent No. 6,578,021 B1.
- c. Ong, U. S. Patent No. 6,879,679 B1.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KD /

September 19, 2005.


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER